IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.4568 OF 2006

Ritesh Prem Gayal .. Applicant
Versus
State of Maharashtra .. Respondent

Mr.U.B.Nighot for applicant
Mr.Y.M.Nakhwa, A.P.P. for State.

CORAM : S.C.DHARMADHIKARI, J.
DATE : 22nd December 2006

P.C.

. Applicant apprehends arrest in connection with C.R.No.109 of 2006 registered with Saswad Police Station alleging offences punishable under section 306, 506 read with 34 of I.P.C.

2. Deceased Vikram committed suicide and his brother lodged F.I.R. Accused No.1 is the wife of the deceased and it is alleged that the

applicant and original accused No.1 had illicit relations. The father of the original accused No.1 (accused No.2) threatened the deceased with dire consequences. It is, therefore, that the deceased was compelled to commit suicide by consuming poison on 8th October 2006. Learned Judge has noted that the accused No.1, wife of deceased, has been enlarged on bail so also accused No.2, father in law of deceased. Suicide note is also seized. Investigations are more or less complete insofar as present applicant. However, the learned Judge denied anticipatory bail only on the ground that the applicant can apply for regular bail as investigations are still in progress.

3. From a perusal of this application and the annexures thereto, it appears that the deceased himself was facing several criminal cases. He had allegedly assaulted his wife Snehalata who is accused in this case. Snehalata

Kamble had lodged an F.I.R. at Yervada Police Station against the deceased and his family members alleging offences under section 498A read with 34 I.P.C. Proceedings against the deceased by his wife who is accused No.1 in this case were pending in the family court. It is in such circumstances that the complaint has been filed by the brother of the deceased after his suicide. In my view, custodial interrogation is wholly unnecessary, when other accused were arrested and enlarged on bail. Illicit relations were alleged between the applicant and the accused No.1. She is enlarged on bail. The threats were given by father in law, accused No.2 who is also enlarged on bail.

4. In these circumstances, applicant deserves to be granted pre-arrest bail. Hence, following order;-

i) In the event of the arrest of the

applicant in connection with C.R.No.109 of 2006 registered with Saswad Police Station, the applicant shall be enlarged on bail in the sum of Rs.10,000/- with one or two sureties in the like amount.

ii) The bail is granted subject to condition that the applicant will attend the Saswad police station once in a fortnight till charge sheet is filed and thereafter as directed by the trial court.

iii) Bail is granted subject to condition that the applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of accusation against him so as to dissuade him from disclosing such facts to the Court or to the police officer/

investigating agency. The applicant shall not tamper with the prosecution evidence.

iv) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial

v) This order will enure to the benefit of the applicant only till charge sheet is filed. Thereafter, he will be free to apply to the appropriate court for appropriate relief.

vi) Application is disposed of in above terms.

vii) The parties to act upon an authenticated copy of this order.

(S.C.DHARMADHIKARI, J)